

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 23, 2004

D041391 People v. Gonzalez

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D041761 People v. Gerber

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Huffman, J.

D041521 People v. Officer

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D042064 People v. Piper

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

D042437 Point San Diego Residential Community LP et al. v. Weingarten/Ernst & Young

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D043778 Mahdavi v. Superior Court of San Diego County/People

The petition is denied. The motion to recuse is denied.

D042402 In re Alberto S., a Juvenile

The petition for rehearing is denied.

D040772 Roy v. City of Carlsbad

The request for publication is denied.

D042160 People v. Soto

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D043710 In re McDaniel on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 24, 2004

D041393 Sea Winds Aviation, Inc. v. City of Oceanside

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

D041873 Wright v. City of San Diego et al.

Judgment affirmed. Wright to pay City's costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D043408 In re June K., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D043338 In re Mary J. et al., Juveniles

The appeal is dismissed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

D041090 La Caja Del Tango et al. v. City of La Mesa et al.

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

People v. Ocular

Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised, the appeal is dismissed.

D043031 Mills v. Henry's Marketplace, Inc.

The appeal is dismissed pursuant to rule 17(a).

D043797 In re Barron on Habeas Corpus

The petition is denied without prejudice to refile with the Second District Court of Appeal, 300 S. Spring Street, Los Angeles, CA 90013.

D040623 Nelson v. Regents of the University of California

The judgment is affirmed; UCSD is to recover costs on appeal. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D041042 Ramona Equipment Rental, Inc., et al. v. Piva et al.

The judgment is affirmed. McDonald, Acting P.J.; McIntyre, J., O'Rourke, J.

D043799 Beltran v. Superior Court of San Diego County/People

The petition is denied.

D040535 People v. Escobar

The petition for rehearing is denied

D043791 In re Cass on Habeas Corpus

The petition is denied.

D041378 Lenox v. Flamingo Motors, Inc.

The request for publication of the opinion is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 25, 2004

D041304 Haines v. City of San Diego et al.

The petition for rehearing is denied.

D040854 People ex rel. Bill Lockyer v. R.J. Reynolds Tobacco Company

The portion of the judgment awarding the People sanctions against Reynolds is affirmed as to entitlement but reversed as to amount and remanded for further proceedings. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D043354 Ericka S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

Let a writ issue directing the juvenile court to vacate the order referring the matter for a section 366.26 hearing and to hold a special hearing in order to review whether proper notice was provided under the ICWA. If the court determines such notice was provided, it is directed to reinstate all prior orders. If the court determines that proper ICWA notice was not given, the court shall order the Agency to comply with the notice requirements of ICWA. This opinion is final as to this court 10 days after filing. (Cal. Rules of Court, rule 24(b)(3).)

D041776 People v. Smith

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

D043786 In re Woods on Habeas Corpus

The petition and motion are denied.

D043803 In re Cardenas on Habeas Corpus

The petition is denied.

D043809 In re Castanon on Habeas Corpus

The petition is denied.

D043686 In re Costa on Habeas Corpus

The petition is denied without prejudice.

D042033 In re Joseph S., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Benke, Acting P.J., Irion, J.

D042956 In re Malia W., a Juvenile

The judgment terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order Agency to make proper inquiry and to comply with the notice provisions of ICWA. Agency can show compliance by proof that the SOC 318 forms or correspondence including the information contained in the SOC 318 form were sent to the three Cherokee tribes and the BIA. Agency shall submit the SOC 318 forms or correspondence as well as the requisite proofs of mailing and any responses it receives (including Agency's prior correspondence with the Cherokee Nation) for the court's review. If after proper inquiry and notice, a tribe claims that Malia is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no response is received or no tribe claims that Malia is an Indian child, the judgment terminating parental rights shall be reinstated. McConnell, P.J.; We Concur: Huffman, J., Haller, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 25, 2004 (continued)

D043103 People v. Yates

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b).
The appeal is dismissed.

D041997 Zendejas v. Frank Konyn Dairy

We reverse the judgment. Zendejas is entitled to costs on appeal. McConnell, P.J.;
We Concur: Benke, J., Nares, J.

D041385 People v. Chavez

The opinion filed January 30, 2004, is ordered certified for publication.

D043677 In re Cosby on Habeas Corpus

The petition is denied.

D042034 People v. Thornton

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.,

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 26, 2004

D042475 In re Robert B. et al., Juveniles

The judgments are affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D042295 People v. Lopez

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., McDonald, J.

D042177 Arambula et al. v. Metabolife International, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D043801 Harris v. Superior Court of San Diego County/People

The petition is denied.

D042785 Doucette v. Metabolife

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D042738 JLRB Associates et al. v. Livingston

D043800 JLRB Associates et al. v. Livingston

The stipulation to consolidate the above-entitled appeals is accepted. All documents will be filed under D042738.

D043790 In re Ramsey on Habeas Corpus

The petition is denied.

D042712 In re Daniel L., a Juvenile

The judgment terminating Susan's parental rights is reversed and the court is directed to comply with the notice provisions of the ICWA. If, after proper notice and inquiry, a tribe does not intervene, the juvenile court shall reinstate the judgment. If a tribe intervenes, the court is ordered to conduct a new selection and implementation hearing under section 366.26 in accordance with the ICWA. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

D042253 In re Peter S., a Juvenile

The orders are affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

D041202 Silber v. The Heritage Escrow Company

The judgment is reversed insofar as it requires Heritage to pay Silber's attorney fees on a joint and several basis with the Lasts. In all other respects the judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

D041548 People v. Solis

The order is affirmed. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 26, 2004 (Continued)

D043561 Seaspan, Inc. v. H. Joel Biggs et al.

Plaintiff Seaspan Inc.'s appeal from the judgment entered on October 15, 2003, is dismissed as untimely.

D042749 Wyrick et al. v. Metabolife International, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D042189 Dvorak v. Metabolife International, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

FOURTH APPELLATE DISTRICT
DIVISION ONE
February 27, 2004

D042155 Lawrence v. Metabolife

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D042436 In re Maria S., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

D043025 In re Tobacco Cases II

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D042536 In re Keith D., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D042402 In re Alberto S. et al., Juveniles

The requests for publication by the County of Santa Clara, filed February 24, 2004, the County of Orange and the County of Los Angeles, filed February 25, 2004, and the County of San Bernardino, filed February 26, 2004, are denied.

D042852 In re Acie T., a Juvenile

The judgment terminating Latricia's and Bartholomew's parental rights to Acie and Alysia is affirmed. The order denying the parents' request to transfer the case of Amber and Andrew to Kings County is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D043814 Chapman v. Superior Court of San Diego County/Trustees of the California State University

The petition is denied.

D043807 In re Grant on Habeas Corpus

The petition is denied.